

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, August 18, 2004**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, August 18, 2004, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 N. Boundary Street.

**CALL TO ORDER and ATTENDANCE**

First Vice Chairman Pons called the meeting to order in Chairman Young's absence.

Present at the meeting in addition to Mr. Pons were Commissioners Hertzler, Rose, Friend, and McBeth. Absent were Commissioners Young and Smith. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

**MINUTES**

Mr. Hertzler moved that the minutes of the July 6, 19 and 26 work sessions and July 14 regular meeting be approved as corrected. The motion was seconded by Mr. Rose and carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose
No:	None
Absent:	Young, Smith

**CONSENT AGENDA** –none

**PUBLIC HEARINGS**

**PCR #04-015: Request of Yankee Candle for a special use permit for a retail store with a gross floor area exceeding 50,000 sq. ft. at 2200 Richmond Road (Williamsburg Motor Court site). The property is zoned B-2 Tourist Business District. It is proposed to construct a 65,000 sq. ft. Yankee Candle store (41,500 sq.ft. retail space), with three adjoining restaurants to be constructed at a later date. The Commission recommended approval with contingencies by a vote of 5-0.**

Planning Director Nester reviewed memoranda dated August 13 and August 18, 2004 in which it is noted that the retail store will be the main feature of the development of the 10.4 acre site which lies between Olive Garden Restaurant and Williamsburg Chrysler-Jeep-Kia. He added that revisions to the staff recommended contingencies are reflected in the August 18 memorandum. Mr. Nester also noted that, with development of this site, one of the last two remaining billboards in the city will be removed. Although the property is not in a specified planning area, the Richmond Road Planning Area is

Williamsburg Planning Commission Minutes  
August 18, 2004

applicable due to its proximity. He said the proposal is consistent with the Comprehensive Plan and fits in with the tourist orientation of the area. The site is proposed to consist of four separate lots (one for Yankee Candle, and one for each of the three restaurants), but will be designed as one coordinated site plan. The Yankee Candle building will be located behind the existing Williamsburg Motor Court. The site is 10.42 acres, and 38% of the land area will be open space. A total of 476 parking spaces will be provided, and the Zoning Ordinance requires 441 spaces. A waiver is needed to "one tree per 40 feet of road frontage" requirement due to the location of Virginia Power high-tension power line easement across the western portion of this property (trees cannot be planted underneath the power lines). Mr. Nester stated that the above-noted waiver and a waiver to eliminate required landscape buffers north of the Parcel 2 restaurant are both justified.

He noted that included in Commission members' packets is a copy of a letter from **William D. Copan, Jr.** who owns the residence at 217 Captain Newport Circle, which is directly behind the proposed building. In his letter Mr. Copan states his concern that some of the natural fall line between the properties needs to be retained in order to prevent water backing up on the Skipwith properties during heavy or prolonged rain. Mr. Copan asked that Planning Commission require that Yankee Candle provide an additional 20 feet of clear space from the rear of the proposed building to its property line, in addition to that on the existing plan. Considering all the parking that will be made available on this site, this additional 20-foot concession equates to the width of two parking spaces. That additional space should help maintain the existing fall line and be populated with evergreen trees to buffer the sight and noise of a truck loading dock that will be in close proximity to 217 and 215 Captain Newport Circle.

Mr. Nester concluded his presentation by saying that the major traffic question pertaining to this proposal involves the need for a traffic signal, as well as the determination of its best location. He said a study by the applicant needs to be performed after the store is opened for a period of time in order to best assess the need and location of a signal. Site developer Rich Costello with AES Consulting Engineers, is here today to respond to any questions.

Commissioner Friend asked if stormwater were to backup on the Skipwith properties as Mr. Copan suggested, would the city be held responsible? Mr. Nester responded that review of the plans revealed no problem with proposed stormwater management system. It is the responsibility of the city to ensure the design is adequate to handle the additional load, and review demonstrates this is so.

City Attorney Phillips confirmed that it is the responsibility of the city to determine if drainage functions properly using their best engineering practices, but of course things can change and the city does not stand as a guarantor. Although the city is morally involved, the system is not perfect.

Other Commissioners expressed concern regarding drainage in the area and said now is the time to correct any problem and maybe additional review is needed. Mr. Nester

reiterated that review by the city engineer resulted in the conclusion that the 12" pipe that drains into a larger pipe is sufficient.

Vice-Chairman Pons opened the public hearing.

**Vernon Geddy**, 1177 Jamestown Road, representative for the applicant, stated that several members of the planning team for the project were present at the meeting; Tony Baloni, Bob Singley, Laura McCaffrey, and Dexter Williams. Mr. Geddy presented a brief background of the Yankee Candle company which he stated is headquartered in Massachusetts. The proposed store would be the second flagship store and offer the city the opportunity for economic development. He noted that the proposal is consistent with the Comprehensive Plan and that the applicant agrees with the conditions presented. He added that the Yankee Candle company would work with the City of Williamsburg to alleviate any drainage problem should it exist. Rich Costello, AES Consulting Engineers, also representing the company, agreed that current drainage management can handle the flow, but if there is a problem, the company will work with the City of Williamsburg to correct it.

**William D. Copan, Jr.**, owner of 217 Captain Newport Circle, said he is a long-time resident, having moved to Williamsburg in 1960. His concerns are not with how the proposed Yankee Candle looks, but with how close it is to his residence. He said he has four concerns:

- The size. Previous commercial development wasn't a concern because it was only a minimal encroachment into the neighborhood, but this proposal is gargantuan. Richmond Road is being turned into another Mercury Boulevard. Mr. Copan asked, "Which one of you would like to have a structure of that magnitude, some 45 feet in height, with a truck loading dock, built within some 34 feet of your rear property line?"
- The set back. "The building is set back as far as possible away from Richmond Road and as close as possible to my property line. Why? The building has a loading dock at the rear facing my property. Why can't the whole building be shifted closer to Olive Garden?"
- Drainage. "The existing fall line allows for controlled flow of water during heavy and prolonged precipitation. ....The existing natural fall line is imperative to have water drain effectively in heavy and prolonged rain. The proposed plan calls for the bulldozing of the natural fall line such that the proposed loading dock will be significantly higher than the backside of my property at delimiting property line. My concern is that rainfall will tend to swamp my property as it runs off the asphalt in the back of the building and into my yard before it can drain down into the BMP."
- Fencing. Mr. Copan asked that a fence that fully spans the extent of his property and that of neighboring 215 Captain Newport Circle be included in the plans. He said the fence would not only help shield the view and noise of a loading dock, but also prevent the inevitable trespassing of neighborhood kids cutting through their properties to get to the "eateries."

Mr. Copan recommended the following:

- Move the building set back at least 20 feet toward Richmond Road
- Unless the rear of the building is sloped forward to push water to the front of the parking lot where the new 42 inch stormwater pipe will be installed, a similar pipe needs to be installed at the rear of the property to ensure proper water flow to the BMP, and not into neighboring yards at lower elevation.
- Appropriate fencing needs to be constructed on Yankee Candle property that fully extends the span of the two properties most exposed to trespassers, 217 and 215 Captain Newport Circle.

He concluded his comments by asking that the Commission do something *now* to turn the project around, such as: require additional buffering, consider the long-term implications and the adverse effect on the Skipwith neighborhood. He said the project would advance neighborhood decay and we need to deal with this now, or later have to deal with neighborhood blight.

There being no additional comment the public hearing was closed.

Commission comments included:

- Maybe shrubs could be used rather than trees under the power lines for the landscape buffer on Richmond Road.
- It is a big box of a building very close to a residential community.
- Positioning of the building was discussed and options raised. Parking spaces would be eliminated if the building were to be moved forward.
- Always a challenge when development is proposed that would abut an established neighborhood. However, this seems to be a good fit for the City of Williamsburg; a commercial enterprise in a commercial zone.
- Issues are drainage, screening, impact on neighborhood. Commission has a responsibility to respect and protect the beauty of the neighborhood. Concept is good, but this plan allows encroachment too close to the neighborhood.
- Suggestion to table the case and applicant return to Site Plan Review Committee with appropriate changes addressing the Commission's concerns.

**Bob Singley**, RJS & Associates, 423 N Boundary, stated that he has lived in James City County since 1960. He sent letters to all four adjacent property owners and three replied. Owners Hedrick and Prasses stated they support the proposal. Mr. Singley said the applicant and their representatives reviewed numerous site plans with consideration given to the issues of location of the building, noise, trespassers, landscape buffer, stormwater management, and islands. He assured Mr. Copan that stormwater management is *not* an issue and everything the city has requested has been done. The building will be moved forward, toward Richmond Road, if needed. Mr. Singley added that they are working on an extremely tight timeframe, and asked that the Commission please not delay their decision.

Mr. Rose moved that the Planning Commission recommend to City Council that the special use permit be approved with the following contingencies:

1. The special use permit approves the plan titled "Special Use Permit Plan, Yankee Candle Company, at Motorcourt, City of Williamsburg, Virginia", consisting of three sheets dated 6/27/04, last revised 8/4/04, prepared by AES Consulting Engineers.
2. The special use permit grants waivers to eliminate the landscape buffers required north of the Parcel 2 restaurant along the interior property line.
3. The special use permit grants waivers to reduce the requirement for trees along the frontage of the Yankee Candle property (Parcel 1) from nine to six, due to the location of the Dominion Power easement on the north end of the property.
4. The Planning Commission reserves the right to require additional landscaping and a six foot high solid fence along the rear of the property as a part of the final site plan review.
5. The materials of the three freestanding restaurants shall be coordinated with the design of the Yankee Candle building, and approved by the Architectural Review Board.
6. An easement shall be recorded, prior to the issuance of a certificate of occupancy for Yankee Candle, to allow the adjacent property to the south to have vehicular access to the Yankee Candle site, as shown on the plan approved in condition #1. The construction of this access shall be at the cost of the adjacent property owner.
7. A traffic study shall be performed for the Yankee Candle site following the opening of the building, at a time acceptable to the City. The optimal time for the study is in the July 15 to August 15 time frame, and the study shall be completed preferably in summer 2005, but no later than summer 2006. This study shall be coordinated with a City study of the surrounding Richmond Road corridor including the Waltz Farm Drive intersection. Following the completion of the studies, the City shall determine, no later than December 31, 2006, whether or not a traffic signal is needed, and where it should be located if it is needed. Prior to the issuance of a land disturbing permit, Maple and Main Redevelopment L.L.C. or its successor in title (the developer) shall post a bond, letter of credit or certified check, approved as to form by the City Attorney, in the amount of \$150,000.00 ("Surety"), guaranteeing the design and construction a traffic signal by July 1, 2007.
  - a. If the City determines that a traffic signal is needed at the Yankee Candle site, the developer shall pay 100% of the cost of the design and construction of the traffic signal. The design of the signal shall be subject to City approval.
  - b. If the City determines that a traffic signal is needed at Waltz Farm Drive, the developer shall contribute \$35,000 to be used for the construction of the Waltz Farm Drive traffic signal.
  - c. If a traffic signal is initially constructed at Waltz Farm Drive with a \$35,000 contribution from the developer of the Yankee Candle

- site, and if the owner of the Yankee Candle site requests a traffic signal at the Yankee Candle site within ten years from the date of the issuance of a certificate of occupancy for Yankee Candle, and if the City determines that a traffic signal is needed for the Yankee Candle site, the City shall contribute \$35,000 to the cost of the traffic signal and the owner of the Yankee Candle site shall be responsible for the design and construction of the traffic signal, subject to City approval, and for the payment of the balance of the cost.
- d. If the City determines no traffic signal is needed at either the Yankee Candle site or at Waltz Farm Drive or upon completion of the traffic signal described in a. above or payment of the \$35,000 described in b. above, all Surety held by the City shall be released and returned to the developer.
8. The building and parking lot shall be moved 14 feet closer to Richmond Road by reducing the front landscape buffer from 19 feet to 15 feet, and by eliminating the five ten foot wide center landscape islands in front of the Yankee Candle building.

Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, McBeth, Pons, Rose, Friend
No:	None
Absent:	Young, Smith

## **OPEN FORUM**

Vice-Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

**Mr. William D. Copan, Jr.** came to the podium in follow up to his previous comments. He said during his meeting with Mr. Singley, no options to the plans as presented were offered. He asked that in the future better notification be made to the neighborhood involved, including notification of subcommittee meetings such as the Site Plan Review committee meetings.

There being no additional comment the Open Forum portion of the meeting was closed.

**SITE PLANS AND SUBDIVISIONS** – None

**OLD BUSINESS** - None

**NEW BUSINESS** - None

**OTHER** - None

## **INFORMATION ITEMS**

Commission members received the following reports:

Report from City Council  
Planning Department Monthly Report  
Monthly Financial Statement

## **PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 15, 2004**

PCR #04-18: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, to revise Article III, Division 10.1, ED Economic Development District; to revise parking requirements for townhouses, planned unit developments and multifamily dwellings [Sec. 21-707(a)(3) and (4)]; to add the ED District to the list of districts in which a parking master plan may be approved in lieu of the regular parking regulations [Sec. 21-709(a)]; to add the LB-1, LB-3, LB-4 and ED Districts to the list of districts requiring site plans for permitted uses [Sec. 21-780(5)]; and to add a provision allowing traffic studies and public utility analysis to be required as part of site plan review [Sec. 21-781(l)]. These changes will create allow more flexibility in developing tax-generating mixed use projects in the ED Economic Development District.

PCR #04-19: Rezoning of approximately 6.2 acres of land at 1440-1446 Richmond Road from B-3 General Business District to ED Economic Development District. This property is designated as Corridor Commercial land use in the 1998 Comprehensive Plan.

The meeting adjourned at 5:25 p.m.

Doug Pons, 1<sup>st</sup> Vice-Chairman  
Williamsburg Planning Commission